

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Shelly Ann Cannon,

PLAINTIFF

v.

Kilolo Kijakazi, Acting Commissioner of  
Social Security Administration,

DEFENDANT

Case No. 4:20-cv-01695-TLW

**ORDER**

On February 22, 2023, the United States Court of Appeal remanded this matter to this Court, stating “we reverse the Commissioner’s decision and remand with instructions to grant disability benefits.” ECF No. 36. The Fourth Circuit issued its mandate and judgment on May 2, 2023, and this Court entered an order the same day directing the Commissioner to grant disability benefits to Plaintiff.” ECF No. 41. After the Court entered its order, Plaintiff’s counsel filed a motion for attorney fees and costs pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. ECF No. 43. In that motion, Plaintiff requests \$33,000.00 in attorney’s fees, \$1,966.66 in expenses, \$402.00 for the district court filing fee, and \$505.00 for the Fourth Circuit filing fee. ECF No. 43.

After Plaintiff’s motion was filed, Plaintiff and Commissioner filed a stipulation for an award of fees under the EAJA, stating that, “[i]the interest of administrative and judicial economy, the parties have agreed to stipulate to an award of \$33,000 in attorney fees, \$1,966.66 in expenses, and \$907 in costs under the EAJA as reasonable in this case.” ECF No. 44 at 1.

Under the EAJA, a court shall award attorney fees to a prevailing party in certain civil actions against the United States unless the court finds that the government's position was substantially justified or special circumstances make an award unjust. 28 U.S.C. § 2412(d)(1)(A). An EAJA attorney fees award is payable to the litigant and, therefore, is subject to an offset to satisfy the litigant's pre-existing debt to the Government. *Astrue v. Ratliff*, 560 U.S. 586, 594 (2010).

After careful consideration of the record and the applicable legal authority, the Plaintiff's motion for attorney's fees under the EAJA is **GRANTED**, subject to the parties' stipulation. The Commissioner is ordered to award Plaintiff attorney fees in the amount of \$33,000 and 1,966.00 under 28 U.S.C. § 2412(d), and costs in the amount of \$907.00 under 28 U.S.C. § 2412(a). This award will be offset by the amount of Plaintiff's pre-existing federal debts, if any, and should be paid directly to Plaintiff, Shelley Ann Cannon and sent to the business address of Plaintiff's counsel.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
Terry L. Wooten  
Senior United States District Judge

August 29, 2023  
Columbia, South Carolina